

ORDINANCE NO. O-2018-6037

AN ORDINANCE AMENDING CHAPTER 8, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING ANIMALS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That Chapter 8, Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby replaced in its entirety and shall read as follows:

CHAPTER 8 ANIMALS

ARTICLE I. IN GENERAL

Sec. 8-1. Purpose and intent.

The purposes of this chapter are to promote the public health, safety, and general welfare of the citizens of the city and to ensure the humane treatment of animals by regulating the care and control of animals within the city.

Sec. 8-2. Definitions.

When used in this chapter, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal* means any live creature, both domestic and wild, except humans. The term "animal" includes fowl, fish, and reptiles.

*Animal control* means the animal control division of the city police department.

*Animal control officer* means an employee or agent of the city, designated by the chief of police to administer and enforce the licensing, inspection, and enforcement requirements contained within this chapter.

*Animal hospital* means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

*Animal nuisance* means any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.

*Animal sShelter* means ~~any facility operated by the city for the temporary care, confinement and detention of animals and for the humane killing and other disposition of animals. The term shall also include any private or public facility authorized by the city to impound, confine, detain, care for or destroy any animal.~~ the Williamson County Regional Animal Shelter.

Apiary means a place where one or more bee hives are kept.

*At large* means that an animal is:

(1) On the premises of the owner and is not tied, staked, or restrained securely within an enclosure or fence capable of fully and totally securing the animal; or

(2) Off the premises of the owner, and is not on a leash under the immediate control of a person physically capable of restraining the animal or is not restrained securely within an enclosure or fence capable of fully and totally securing the animal.

Bee means any stage of the common domestic honey bee, *Apis mellifera* species.

Bee colony means a hive and related equipment and appurtenances including bees, comb, honey, pollen, and brood.

*Cat* means any member of the family *felis domestica*.

Collar means any properly fitted collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.

*Cruelty* means any act or omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, adequate shelter or protection from the elements, a sanitary and safe living environment, veterinary care, or nutritious food in sufficient quantity. In the case of activities where physical pain is necessarily caused, such as in medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.

*Dangerous animal* means one that has made an unprovoked attack on a human being or another animal. A dangerous animal does not include guard or attack dogs as defined in this section, as long as such guard or attack dogs are restrained and confined in compliance with article IX of this chapter.

*Disposition* means adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. The term "disposition" includes placement or sale of an animal to the general public, or removal of animal from any pet shop to any other location.

*Dog* means any member of the family *canis familiaris*.

*Domestic animal* includes livestock, caged or penned fowl, pigeons, normal household pets, such as but not limited to dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small nonpoisonous reptiles or nonpoisonous snakes.

*Exotic or wild animal.*

(1) The term "exotic or wild animal" means any live monkey, alligator, crocodile, cayman, raccoon, opossum, skunk, fox, wolf, hybrid wolf, sea mammal, bear, poisonous venomous snake, nonhuman primate, prairie dog, African Serval, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or livestock.

(2) The term "exotic or wild animal" does not include domestic cats (excluding hybrids with ocelots or margays), domestic dogs (excluding hybrids with wolves, coyotes or jackals), farm animals, rodents, and captive-bred species of common cage birds.

Feral cat means any member of the species felis catus that is undomesticated, wild, homeless, untamed, or otherwise unaccustomed to human interaction. Other common names include stray cat, barn cat, or community cat.

Feral cat colony means any population of two or more feral cats that have been released into an area as part of a trap, neuter, and return program.

Flyway barrier means a solid wall, fence, dense vegetation, or combination of these materials at least six feet high that extends at least 10 feet beyond the hives on each end of the colony.

*Fowl* means any goose, pheasant, chicken, prairie chicken, peacock, guinea, duck, turkey, and other normally undomesticated fowl.

*Guard or attack dog* means a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

Hive means a structure intended to house a bee colony.

*Impoundment* means the taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

*Livestock* means any horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jenney, all species of swine, sheep, goat, llama, all species of cattle, or an emu, ostrich, or rhea.

*Muzzle* means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

Microchip means an identifying integrated circuit placed under the skin of an animal, which uses passive RFID (Radio Frequency Identification) technology to identify the animal.

~~Organized sporting or recreational event means any event which is held on a playing field or other area located at a city-owned park or other city-owned property, and which requires the participants to obtain prior approval of the parks and recreation department of the city for the use of the city-owned park or other property.~~

*Owner* means any person or persons, firm, association or corporation, having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this chapter, including the caretaker of a feral cat colony. An animal shall be deemed to be harbored if it is fed or sheltered for three or more consecutive days.

~~Playing field or area shall mean any portion of a city-owned park or other city-owned property on which the participants in a sporting or recreational event may engage in an authorized activity, and includes but is not limited to any areas designated for spectators to view said event, areas where participants may rest while not engaged in said event, and any area where concession stands are situated.~~

Properly fitted means, with respect to a collar used for a dog, a collar that (a) is the appropriate size for the dog based on the dog's size and body weight, (b) does not choke the dog or impede

the dog's normal breathing or swallowing, and (c) is attached to the dog in a manner that does not allow for escape and does not cause pain or injury to the dog.

*Public nuisance animal* means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall include, but not be limited to:

(1) Any animal that is found running at large more than three times in a 12-month period;

(2) Any dog in a park or public recreation area unless the dog is controlled by a leash or similar physical restraint;

(3) Any animal that damages, soils, defiles, or defecates on any property other than that of its owner;

(4) Any animal ~~found to be in violation of section 14-213~~ that makes disturbing noises, including but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(5) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(6) Any animal in heat that is not confined so as to prevent attraction or contact with other animals;

(7) Any animal, whether or not on the property of its owner, that without provocation molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;

(8) Any animal that chases motor vehicles in a public right-of-way;

(9) Any animal that attacks a domestic animal;

(10) Any animal that causes unsanitary conditions in enclosures or surroundings where that animal is kept or harbored;

(11) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facility.

*Riding stable/school or academy* means a camp or school where horseback riding is taught on a regular basis for financial gain.

*Sanitary* means a condition of good order and cleanliness to minimize the possibility of disease transmission.

*Shelter* means a clean and sturdy structure that provides the animal with protection from rain, hail, sleet, snow, subfreezing temperatures, sun and excessive heat and is large enough to allow the animal to stand erect, sit, turn around, and lie down in a normal manner.

1 Tract means a contiguous parcel of land under common ownership.

2 *Under restraint* means that an animal is secured by a leash, or securely enclosed within the real  
3 property limits of the owner's premises.

4 **Sec. 8-3. Nuisances.**

5 It shall be unlawful for any person to keep any animal on any property located within the  
6 corporate limits of the city when the keeping of such animal constitutes a public nuisance or  
7 menace to public health or safety.

8 **Sec. 8-4. Keeping of exotic or wild animals.**

9 It shall be unlawful for anyone to own, harbor, maintain, have in their possession, have on their  
10 premises or under their control, or permit at large any exotic or wild animal without the written  
11 permission of the chief of police. Such permission shall be given only if it is demonstrated to the  
12 satisfaction of the chief of police that the animal will not constitute a threat to public health or  
13 safety. If evidence is presented to the chief of police that an exotic or wild animal is constituting a  
14 threat to public health or safety, the chief shall have the discretion to revoke previously granted  
15 permission to own or keep said animal. The owner of a dangerous wild animal as defined in Sec.  
16 822.101 of the Texas Health and Safety Code shall comply with the provisions of Chapter 822,  
17 Subchapter E of the said Code.

18 **Sec. 8-5. Limit on number of animals permitted.**

19 It shall be unlawful for any person to keep animals within the city of such a number that the  
20 animals constitute a public nuisance or menace to public health or safety.

21 **Sec. 8-6. Limitations on number of fowl.**

22 (a) This section shall not apply to property zoned AG or SF-R.

23 (b) It shall be unlawful to own or keep fowl within the corporate limits of the city unless the  
24 number is limited and they are kept in enclosed pens as set forth below:

25 (1) If fowl are confined within an enclosed pen which is located 50 feet or more from any  
26 building or dwelling occupied by any person other than the owner of the fowl, the number  
27 of fowl is limited to no more than ten.

28 (2) If fowl are confined within an enclosed pen which is located less than 50 feet, but  
29 more than 25 feet from any building or dwelling occupied by any person other than the  
30 owner of the fowl, the number of fowl is limited to no more than five.

31 **Secs. 8-7—8-30. Reserved.**

32 **ARTICLE II. LIVESTOCK**

33 **Sec. 8-31. Keeping of livestock.**

34 (a) This article shall not apply to property zoned AG or SF-R.

(b) It shall be unlawful for any person to keep livestock within the corporate limits of the city unless the livestock is being kept in accordance with the following restrictions:

(1) Livestock shall be kept on a parcel of land that is at least one acre in size.

(2) There shall be no more than one unit (as defined below) of livestock for the first acre of land. There shall be no more than one additional unit of livestock for each additional one-half acre of land in the same parcel. For the purpose of this section, units of livestock shall be defined as follows:

a. The following types of livestock shall be counted as one head equals one unit: horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jenny, llama, and all species of cattle;

b. The following types of livestock shall be counted as one head equals one-half of a unit: all species of swine; and

c. The following types of livestock shall be counted as one head equals one-fifth of a unit: sheep, goat, emu, ostrich and rhea.

(3) No livestock shall be permitted to graze, forage, or otherwise roam within 50 feet of any dwelling, residence, or structure used for human occupancy (other than the livestock owner's dwelling or residence).

(4) Barns, stables, corrals, sheds, pens or other similar structure where livestock may be housed, fed, or confined, or where food for livestock is stored shall not be located within 150 feet of any residence, business or commercial establishment or office (other than the livestock owner's residence, business or commercial establishment or office), grocery store, school building, church, hospital, nursing home, or restaurant or other food service establishment.

(5) Livestock shall be enclosed with adequate fences or barriers that will prevent such livestock from damaging shrubbery or other property situated on adjacent property. Such fences or barriers shall be sufficient to prevent the livestock from escaping the enclosure.

(6) The owner keeping any livestock shall keep all yards, barns, pens, stables, sheds or other enclosures in which such animals are confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities in the immediate vicinity, or to breed or attract flies, mosquitoes or other noxious insects or rodents, or in any manner to endanger the public health, safety, or welfare, or to create a public nuisance. All yards, barns, pens, stables, sheds or other enclosures in which livestock is confined shall be of a size to allow said animals sufficient space to move freely and not endanger the health, safety, or welfare of the animal or animals.

(7) Subsections (b)(1) through (4) of this section shall not apply to a licensed veterinarian at the veterinarian's place of business or a riding stable/school or academy.

#### **Sec. 8-32. Unlawful for livestock to be at large.**

It shall be unlawful for any livestock to be at large off the property of the owner of the livestock. The owner of the livestock found to be at large shall be responsible for the offense and no culpable mental state is required.

**Sec. 8-33. Impoundment of livestock.**

Animal control officers are authorized to impound all livestock in violation of sections 8-31 and 8-32, subject to terms and conditions established throughout this chapter. Livestock will be held by a private contractor with the owner being responsible for all impound, transportation, boarding, feeding and any other expenses incurred in impounding the livestock. All fees and charges must be paid prior to release of the livestock.

**Sec. 8-34. Liability.**

To ensure the public safety and to avoid serious accidents, any livestock that is in danger of getting on a public roadway will be tranquilized if possible or in extreme cases destroyed by police officers or animal control officers. If it is necessary to tranquilize or destroy livestock to prevent property damage or injuries, the city will not be liable for damages to the owners of said livestock.

**ARTICLE III. EDUCATIONAL EXEMPTION PERMIT**

**Sec. 8-57. Exemption for educational purposes.**

Sections 8-31(b)(1) through (4) and 8-6 shall not apply to school-age children enrolled in a public or private school which offers Future Farmers of America (FFA) and/or 4-H Club programs in which the class participants are required or allowed to raise project animals for education, show or profit purposes as long as said children have a valid permit issued pursuant to Section 8-58 and in effect at the time.

**Sec. 8-58. Permit.**

(a) In order to qualify for the above exemption, the students are required to:

(1) Apply for an annual FFA/4-H project permit. Said application shall be signed by the student, the student's parent or guardian, and the student's FFA/4-H teacher/instructor.

(2) Provide proof of enrollment in one of the listed school programs.

(3) Provide proof that the animals being kept are an integral part of the student's participation in one of the listed school programs.

(4) Allow inspection by an animal control officer of the pens, cages, or other facilities and property on which the animals are to be kept before issuance of the permit and at any reasonable time requested thereafter.

(b) A permit issued under this section shall be valid only upon the premises identified on the permit and is nontransferable to any other location or person.

(c) A permit issued under this section shall expire no later than 12 months from the date of issuance, no later than the day the qualifying person ceases to be an active member in good standing with the listed school program or no later than the day said permit is revoked as provided below, whichever should occur first.

(d) An animal control officer may deny the issuance of a permit or revoke a permit previously issued based on any one of the following:

(1) False information is provided on the application for the permit.

(2) Two or more convictions for violations of this article by the student or the student's parent or guardian.

(3) If the animal control officer determines, in the officer's sole judgment, that the animals cannot be or are not being kept at the location in a manner which does not create a nuisance, public health hazard or otherwise violate any other provision of this article.

(4) Graduation of the student from high school or the student otherwise not being enrolled in good standing in the listed school program.

#### ARTICLE IV. CARING FOR ANIMALS

##### Sec. 8-90. Basic care for animals.

It shall be unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water, veterinary care when needed to prevent suffering, humane care and treatment, ~~or to unnecessarily expose any~~ and adequate shelter to protect such animal ~~in from~~ hot, stormy, cold or inclement weather.

##### Sec. 8-91. Safety of animals in parked vehicles; removal if necessary.

(a) It shall be unlawful to leave any animal unattended in any enclosed standing or parked vehicle ~~in such a way as to endanger the animal's health or safety for any length of time~~. Any animal control officer or police officer is authorized to use reasonable force, including the breaking of a side window, to remove an animal from a vehicle whenever it appears the animal's health or safety is or soon will be endangered, and said neglected or endangered animal ~~shall~~ may be impounded.

(b) It shall be unlawful to leave any animal in any unenclosed standing or parked vehicle ~~unless the animal is safely enclosed within the vehicle; and if the animal is in a standing or parked unenclosed vehicle, including but not limited to such as~~ convertibles, pickup trucks, jeeps, and flatbed trucks, unless the animal ~~shall be~~ is confined by a vented container or cage, or by chain, rope, or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.

##### Sec. 8-92. Abandonment of animals.

It shall be unlawful for any owner or custodian of any animal to willfully abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person.

##### Sec. 8-93. Unsupervised animals.

If an animal control officer determines that an animal is or will be without proper care because of the owner's injury, illness, incarceration, or other involuntary absence, the animal control officer may impound such animal until reclaimed by its owner. The owner is responsible for all costs associated with the impoundment and must pay all costs before the animal is released. If the animal is not reclaimed by the owner within ~~five days~~ 72 hours from the date of impoundment, the animal shall become the property of the ~~city~~ Animal sShelter.

##### Sec. 8-94. Cages, pens, and enclosures.

Cages, pens and enclosures used to confine animals shall be of sufficient size to maintain all of the animals within such enclosure comfortably and in good health. Said cages, pens and



enclosures shall be of a proper material to securely contain all of the animals within such enclosures at all times.

**Sec. 8-95. Rabies vaccination.**

- (a) It shall be unlawful for the owner of a dog or cat, or caretaker of a feral cat colony to fail to inoculate the dog or cat from rabies.
- (b) It shall be unlawful for a dog or cat to be present in the city and not be vaccinated against rabies. Every owner of a dog or cat shall furnish proof of rabies vaccination upon request by an animal control officer. Failure to furnish proof upon request shall create a presumption that the animal has not been vaccinated for rabies. The owner of the animal shall be responsible for the offense and no culpable mental state is required

**Sec. 8-96. Ill or injured animals.**

If in the reasonable opinion of an animal control officer or police officer an animal's life is endangered due to illness or injury, the animal may be humanely euthanized after a reasonable attempt is made to contact the animal's owner.

**Secs. 8-~~95~~97—8-116. Reserved.**

**ARTICLE V. CRUELTY TO ANIMALS**

**Sec. 8-117: Unlawful actions.**

It shall be unlawful for any person to willfully or maliciously strike, beat, abuse, or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering, or death to such animal; except that reasonable force may be used to drive away vicious or trespassing animals. It shall be unlawful to tease, annoy, disturb, molest or irritate any animal that is on a leash or confined to the owner's premises.

**Sec. 8-118. Poisonous substances.**

It shall be unlawful for any person, except a licensed veterinarian for humanitarian purposes, to administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents.

**Sec. 8-119. Violation.**

If any person is found guilty of having violated any part of this article, any license or permit held by such person under this chapter shall be automatically revoked.

**Secs. 8-120—8-136. Reserved.**

**ARTICLE VI. SANITATION**

**Sec. 8-137. Maintaining sanitary conditions on public property.**

It shall be unlawful for any owner or custodian of any animal to cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners or condominium association, or upon private property other than that of the owner, unless such owner or custodian

1 immediately removes and disposes of all feces deposited by such animal by the following  
2 methods:

3 (1) Collection of the feces by appropriate implement and placement in a paper or plastic  
4 bag or other container; and

5 (2) Removal of such bag or container to the property of the animal owner or custodian  
6 and disposition thereafter in a manner as otherwise may be permitted by law.

7 **Sec. 8-138. Maintaining sanitary conditions of private property.**

8  
9 It shall be unlawful for any person owning, harboring or keeping an animal within the city to permit  
10 any waste matter from the animal to collect and remain on the property of the owner or custodian,  
11 or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or  
12 offensive living condition on the owner's or custodian's property, ~~or to abutting property of others,~~  
13 or to the animal.

14  
15 **Sec. 8-139. Maintaining sanitary conditions.**

16  
17 It shall be unlawful for any person owning, harboring, keeping, or in charge of any animal to  
18 cause unsanitary, dangerous, or offensive conditions by virtue of the size or number of animals  
19 maintained at a single location or due to the inadequacy of the facilities.  
20

21 **ARTICLE VII. LICENSING MICROCHIPPING OF DOGS AND CATS**

22  
23 **Sec. 8-162. License Microchip required.**

24  
25 (a) It shall be unlawful for any person to own, keep, or harbor any dog or cat over the age of four  
26 months within the city unless such dog or cat has been microchipped. ~~been issued a valid,~~  
27 ~~current license by microchip registered with the city.~~

28  
29 (b) It shall be an affirmative defense to prosecution under subsection (a) of this section that the  
30 animal was a feral cat participating in a trap, neuter, and return program approved by the city.

31  
32 (c) It shall be an affirmative defense to prosecution under subsection (a) of this section that the  
33 animal has been in the city for less than thirty days.  
34

35 **Sec. 8-163. Application Registration Deadlines for Microchipping.**

36  
37 ~~Application for Registration of such license microchip shall be made by the owner to the city~~  
38 ~~within ten 30 days after acquiring any dog or cat over four months of age or within ten 30 days~~  
39 ~~after a dog or cat becomes four months of age, provided that any owner moving to the city for the~~  
40 ~~purpose of establishing residence or becoming a resident as a result of any annexation, and~~  
41 ~~otherwise required to obtain a license microchip, shall have until ten 30 days after moving or~~  
42 ~~annexation to obtain and register such a license microchip. The owner of a dog or cat over the~~  
43 ~~age of four months shall microchip said animal within 30 days of the animal attaining the age of~~  
44 ~~four months. The owner of a dog or cat that has moved into or been annexed by the city shall~~  
45 ~~microchip said animal within 30 days of moving to or being annexed by the city.~~  
46

47 **Sec. 8-164. Proof of rabies vaccination required.**

48  
49 ~~(a) All owners applying for a license registering a microchip must present a written certificate of~~  
50 ~~anti-rabies vaccination by a registered veterinarian duly licensed to practice by the Texas Board~~  
51 ~~of Veterinary Medical Examiners, or must otherwise show to the satisfaction of the licensing~~  
52 ~~registration authority of the city that the animal for which the license microchip is being obtained~~  
53 ~~has been inoculated against rabies in compliance with Texas Admin. Code § 169.29. Said~~  
54 ~~certificate must show the name and address of the owner of said dog or cat containing a~~

description of the color, breed, sex and weight of said dog or cat together with the kind and amount of vaccine used and the date of administration, and certifying that said dog or cat was so vaccinated and immunized against rabies.

(b) It shall be unlawful for a dog or cat to be present in the city and not be vaccinated against rabies. Every owner of a dog or cat shall furnish proof of rabies vaccination upon request by an animal control officer. Failure to furnish proof upon request shall create a presumption that the animal has not been vaccinated for rabies. Additionally, an animal found in violation of section 8-170 shall create a presumption that the animal has not been vaccinated against rabies. The owner of the animal shall be responsible for the offense and no culpable mental state is required.

#### **Sec. 8-164. Updating microchip ownership information.**

It shall be unlawful for the owner of a dog or cat to fail to keep the microchip ownership information updated.

#### **Sec. 8-165. Proof of sterilization.**

Any owner claiming that his dog or cat has been spayed or neutered must show to the satisfaction of the licensing registration authority of the city that such operation has been performed.

#### **Sec. 8-166. Payment of License microchipping fee.**

A license microchipping fee shall be paid at the time of making application registration as required by the licensing registration authority of the city. The fee schedule per animal licensed microchipped shall be as currently established or as hereafter adopted by resolution of the city council from time to time.

#### **Sec. 8-167. Expiration and renewal.**

A dog or cat's license registered microchip shall be valid for one year after the date it was issued the duration of its issuance and shall be renewed no later than the date of its expiration if ownership of said animal is transferred, or the microchip malfunctions or is damaged or destroyed.

#### **Sec. 8-168. Exemption from License microchipping fee.**

License Microchipping fees shall not be required for seeing-eye dogs, government police dogs, or dogs belonging to a nonresident of the city and kept within the boundaries of the city for not longer than ten days, provided that all dogs of nonresidents shall at the time of entry into the city be properly vaccinated against rabies, and while kept within the city, meet all other requirements of this chapter. Service dog means a dog that is professionally and specifically trained to aid or assist physically disabled persons by an organization recognized as reputable and competent in training such animals when the dog is owned and used for that purpose by a physically disabled person who has satisfactorily completed a specific course of training in the use of the dog. Any owner claiming any of these exemptions has the burden of proving to the satisfaction of the licensing registration authority that the dog or cat in question is entitled to such exemption.

#### **Sec. 8-169. Issuance of License Tagsmicrochips.**

Upon payment and acceptance of the license microchip fee and proof of rabies vaccination, either the licensing registration authority of the city or a licensed veterinarian shall issue a durable license tag microchip, stamped with the year of issuance and implanted with the unique identification number for the animal for which the license microchip has been obtained.

1 **~~Sec. 8-170. Requirement that Tags be Worn~~microchips be registered.**

2  
3 ~~It shall be unlawful for any dog or cat for which the owner is required to obtain a license~~ microchip  
4 ~~to not wear a register and update the valid license tag microchip with their current contact~~  
5 ~~information at all times. securely attached to a collar around the neck of the dog. Cats are not~~  
6 ~~required to wear a license tag.~~

7  
8 **~~Sec. 8-171. Use of License Tags~~microchips.**

9  
10 ~~It shall be unlawful for any person to use a license~~ microchip ~~for any animal other than the animal~~  
11 ~~for which the license~~ microchip ~~was issued. It shall also be unlawful for any person to remove~~  
12 ~~from the neck of any dog or cat the license tag issued~~ implanted microchip ~~pursuant to this article,~~  
13 ~~or alter such tag~~ microchip ~~in any manner.~~

14  
15 **~~Sec. 8-172. Change of ownership.~~**

16  
17 ~~If there is a change in ownership of a licensed microchipped dog or cat, the new owner shall have~~  
18 ~~the license transferred~~ microchip registered ~~to his name. Application for such transfer shall be~~  
19 ~~made to the licensing~~ registration ~~authority of the city, and be accompanied by the required fee.~~

20  
21 **~~Section 8-173: Lost~~ Malfunctioning or destroyed Tags microchips.**

22  
23 ~~If such tag~~ microchip ~~is lost malfunctioning or destroyed, the owner shall apply to either the~~  
24 ~~licensing~~ registration ~~authority of the county or registered veterinarian for a new tag~~ microchip ~~by~~  
25 ~~presentation of the applicable vaccination registration certificate accompanied by the required~~  
26 ~~fee.~~

27  
28 **~~Secs. 8-174~~165—8-199. Reserved.**

29  
30 **ARTICLE VIII. RESTRAINT AND CONFINEMENT GENERALLY**

31  
32 **Sec. 8-200. Restraint of animals.**

33 (a) It shall be unlawful for any animal to be at large. An owner of an animal found to be at large  
34 shall be responsible for the offense and no culpable mental state is required.

35 (b) It shall be an affirmative defense to prosecution under subsection (a) of this section that the  
36 animal was a feral cat participating in a trap, neuter, and return program approved by the city.  
37 ~~The term "feral cat" means any homeless, wild, or untamed cat.~~

38 **Sec. 8-201. Cats exempt from leash.**

39 Although cats shall be exempt from any leash requirements, it shall be unlawful for any owner of  
40 a cat to allow said cat to stray onto the property of anyone except the owner. Any cat found  
41 straying onto the property of anyone except the owner shall be deemed a public nuisance and  
42 shall be subject to impoundment.

43 **Sec. 8-202. Tying or staking.**

44 (a) It shall be unlawful for any animal to be tied or staked upon any open or unfenced lot or land  
45 in a manner which allows the animal to come within ten feet of any street, park or other public  
46 land or within ten feet of any sidewalk, public passageway or building. An animal tied or staked in  
47 violation of this subsection shall be considered at large in violation of section 8-200.

(b) If an animal is tied or staked, regardless of location, it shall be unlawful for the tie, ~~or tether or chain~~ securing the animal to be less than ten feet in length or less than five times the length of the animal, whichever is longer. ~~If a chain is used, it shall be unlawful for the chain to weigh more than one-quarter the weight of the animal.~~ It shall be unlawful to tie, tether, ~~chain~~, stake or fasten an animal in such a manner as to cause it injury or pain or not permit it to reach shelter, food or water. The owner of the animal or the person actually tying or staking the animal shall be responsible for the offense.

(c) Any collar used on a dog shall be a properly fitted collar. It shall be unlawful to use a collar that is a pinch-type, prong-type, a choke-type collar.

(d) It shall be unlawful for any person to use a metal chain to tie or stake an animal.

#### **Sec. 8-203. Invisible and electronic fences.**

(a) It shall be unlawful to use an invisible or electronic fence as the sole method to restrain an animal in accordance with this article unless the following conditions are complied with:

(1) A sign must be posted within restraint area that indicates an animal is being restrained by an invisible or electronic fence and the type of animal being restrained. This sign must be clearly visible from the street or other public place outside of the restraint area.

(2) The invisible or electronic fence must be aligned in a manner which does not allow the animal to come within ten feet of any street, park or other public land or within ten feet of any sidewalk, public passageway or building.

(b) An animal restrained in violation of this article shall be considered at large in violation of section 8-200.

#### **Section 8-204: Restraint of dogs.**

Any dog, while on a street, sidewalk, public way in any park, public square, or other public space shall be restrained and secured by a leash or chain of sufficient tensile strength to restrain the particular dog. Said leash or chain shall not be longer than 25 feet in a public park and shall not be longer than six feet on or in any other place. An animal that is not restrained in compliance with this section shall be considered at large in violation of section 8-200. This section shall not apply to a dog that is within the fenced area of a designated leash-free dog park.

#### **Sec. 8-205. Preventing an animal from becoming a public nuisance.**

It shall be unlawful for any owner or custodian of any animal to fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.

#### **Sec. 8-206. Restraint when animal in heat.**

Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding. It shall be an affirmative defense to prosecution under this section that the dog or cat has been spayed.

#### **Sec. 8-207. Quarantining of animals exposed to rabies.**

Any dog or cat that has rabies, or symptoms thereof, or that is suspected of having rabies, or that has been exposed to rabies, shall be handled in a manner consistent with state law regarding the disposition of animals exposed to rabies. It shall be unlawful for any owner to fail to comply with a quarantine requirement or condition, including a home quarantine authorized by an animal control officer. If an owner fails to comply, in addition to any criminal penalties, the animal shall be immediately seized and impounded.

**Sec. 8-208. Dogs permitted in outdoor dining areas.**

A food establishment, as defined in Chapter 18, may permit a customer to be accompanied by a dog in an outdoor dining area if:

- (1) The food establishment posts a sign in a conspicuous location stating that dogs are allowed in the outdoor dining area;
- (2) The customer and the dog access the outdoor dining area directly from the exterior of the food establishment;
- (3) The dog does not enter the interior of the food establishment;
- (4) The customer keeps the dog on a leash and controls the dog;
- (5) The customer does not allow the dog on a seat, table, countertop, or similar surface; and
- (6) In the outdoor dining area, the food establishment does not:
  - a. Prepare food; or
  - b. Permit open food, except for food that is being served to a customer.

~~Section 8-209: Prohibiting Dogs at Sporting and Recreational Events~~

~~It shall be unlawful for an owner any of dog to allow said dog to be situated or remain within 100 feet of any playing field or area at a city-owned park or other city-owned property while an organized sporting or recreational event is in progress on said playing field or area. Evidence that the dog was restrained by a leash, chain, rope, voice command, cage, or any other means is no defense to an offense under this section.~~

**Secs. 8-~~210~~209—8-226. Reserved.**

**ARTICLE IX. RESTRAINT OF GUARD DOGS**

**Sec. 8-227. Confinement of guard dogs.**

Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by a fence at least six feet in height and shall be topped with an anti-climbing device constructed of angle metal braces with at least three strands of equally separated barbed wire stretched between them.

**Sec. 8-228. Areas of confinement.**

All anti-climbing devices shall extend inward at an angle of not less than 45 degrees nor more than 90 degrees when measured from the perpendicular. The areas of confinement shall all have gates and entrances thereto securely closed and locked, and all fences properly maintained and escape proof.

**Sec. 8-229. Warning sign required.**

It shall be unlawful for any person to leave any guard or attack dog unattended in any place inside any building unless a warning sign has been placed in a clearly visible location at the premises, located so that it can be seen by any person before entering the premises, warning that a guard or attack dog is present. It shall be unlawful for any person to leave any guard or attack dog unattended in any place outside a building without a warning sign placed in a clearly visible location at the premises, located so that it can be seen by any person before entering the place to which the dog has access, warning that a guard dog or attack dog is present.

**Sec. 8-230. Exemption.**

The provisions of this article shall not apply to dogs owned or controlled by government law enforcement agencies.

**ARTICLE X. DANGEROUS ANIMALS**

**Sec. 8-254. Nuisance declared.**

It is hereby declared to be a public nuisance for an owner or other person to harbor, keep, or maintain a dangerous animal in the city unless the owner complies with the requirements of this article.

**Sec. 8-255. Offense.**

It shall be unlawful for any person to own, keep, or harbor a dangerous animal within the city. For purposes of this article, a person is the owner of a dangerous animal when the owner knows of an unprovoked attack committed by the animal against a person or another animal, or when the animal has been determined to be dangerous by the court under this article or any other court or determining body.

**Sec. 8-256. Defenses.**

In response to the determination that an animal is a dangerous animal, it is an affirmative defense that:

(1) The threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the animal;

(2) The person was teasing, tormenting, abusing, or assaulting the animal or has in the past been observed or reported to have teased, tormented, abused, or assaulted the animal;

(3) The person was committing or attempting to commit a crime;

(4) The animal attacked or killed was at the time teasing, tormenting, abusing or attacking the alleged dangerous animal;

(5) The animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault;



(6) The animal was injured and responding to pain; or

(7) The animal was protecting its offspring, itself, or its kennelmates.

### **Sec. 8-257. Complaints.**

Should any person desire to file a complaint concerning an animal which is believed to be a dangerous animal, a sworn, written complaint must first be filed with an animal control officer containing the following information or as much information as is known to the complainant:

(1) Name, address, and telephone number of complainant and other witnesses;

(2) Date, time, and location of any incident involving the animal;

(3) Description of the animal;

(4) Name, address, and telephone number of the animal's owner, if known;

(5) A statement describing the facts upon which such complaint is based; and

(6) A statement describing any incidents where the animal has exhibited dangerous propensities in past conduct, if known.

### **Sec. 8-258. Investigation.**

After a sworn complaint is filed with the animal control officer, the animal control officer shall investigate the complaint and if there be sufficient evidence to believe the animal is dangerous, the animal control officer may file a complaint with the Municipal Court of the City of Round Rock and request the judge of the municipal court to set a time and place for a hearing for a determination.

### **Sec. 8-259. Hearing.**

(a) *Jurisdiction.* The jurisdiction for the determination of a dangerous animal in a proceeding brought under this article shall be vested in the Round Rock Municipal Court.

(b) *Notice.* If a complaint or application for a hearing or warrant is filed by an animal control officer with the municipal court, the clerk of the court shall set the case for a hearing and shall give notice of the hearing to the owner of the animal in the complaint by personal service or certified mail, return receipt requested, a least ten days prior to the hearing date. Personal service may be completed by the animal control officer.

(c) *Impoundment pending hearing.* If the animal has not already been impounded, the animal control officer shall seize and impound the animal upon personal service of the notice of hearing on the owner, or three days after the notice of hearing is mailed to the owner by certified mail, return receipt requested. It shall be unlawful for a person to possess and fail to release to an animal control officer an animal that has been made the subject of a hearing under this article. No person shall be allowed to reclaim the animal while a hearing under this article is pending.

(d) *Purpose of hearing.* The purpose of the hearing is for the court to determine if the animal specified in the complaint is a dangerous animal.

(e) *Result of hearing.*



1 (1) If the court finds that the animal is a dangerous animal:

2 a. The court shall order that the animal be destroyed or permanently removed  
3 from the city, based on the least restrictive means necessary to protect the public  
4 health, safety, and welfare of the community according to all of the evidence  
5 presented.

6 b. If the owner is not present at the hearing, the clerk shall notify the owner of  
7 that decision as well as the ordered disposition of the animal, by personal service  
8 or certified mail, return receipt requested. Personal service may be completed by  
9 the animal control officer.

10 c. The court shall order that the owner of the animal pay any fees due for the  
11 impoundment of the animal ~~within 30 days of the order~~prior to the release of the  
12 animal.

13 d. If the court orders the removal of the animal from the city, the owner shall have  
14 five days from the date of the order to remove the animal. The owner must  
15 provide proof of the removal to both the court and animal control within five days  
16 after the deadline to remove. Proof of removal shall be considered adequate if  
17 and only if it includes both the address of the animal's new permanent location,  
18 as well as the new owner's information if applicable. If adequate proof is not  
19 provided to the court within the required time, an animal control officer shall  
20 investigate and if the animal is found within the city, the animal control officer  
21 shall be authorized to immediately seize and impound the animal. Upon  
22 impoundment of such animal, the animal becomes the property of the city and it  
23 shall be humanely destroyed. If the animal has been previously removed from  
24 the city or is not present in the city on the date of the hearing, not including the  
25 placement of the animal in the aAnimal sShelter, the court shall order that the  
26 animal shall be permanently banned from the city and not be allowed to return.  
27 Failure to comply with these provisions in a timely manner will result in immediate  
28 forfeiture of ownership of the animal and the animal becomes the property of the  
29 aAnimal sShelter.

30 e. If the court orders the destruction of the animal, the clerk or the animal control  
31 officer shall notify the facility where the animal is kept.

32 (2) If the court finds that the animal is not a dangerous animal, the animal shall be  
33 released to the owner upon payment by the owner of any fees due.

34 (f) *Unlawful to disobey court order.* It shall be unlawful for a person to possess and fail to release  
35 an animal that has been ordered destroyed or removed by the court to an animal control officer. If  
36 a removed animal is found within the city, it shall be impounded and become the property of the  
37 aAnimal sShelter.

## 38 **Sec. 8-260. Law enforcement defense.**

39 It is a defense to enforcement under this article that the person is an employee of the institutional  
40 division of the state department of criminal justice or of a law enforcement agency and trains or  
41 uses dogs for law enforcement or corrections purposes; provided, however, that for any person to  
42 qualify for this defense, that person must be acting within the course and scope of his official  
43 duties in regard to the dangerous animal.

## 44 **Sec. 8-261. Other defenses.**

1 It is a defense to enforcement under this article that the person is a veterinarian, a peace officer,  
2 a person employed by a recognized animal shelter or a person employed by the state or a  
3 political subdivision of the state to deal with stray animals and has temporary ownership, custody  
4 or control of the animal; provided, however, that for any person to qualify for this defense, that  
5 person must be acting within the course and scope of his official duties in regard to the  
6 dangerous animal.

7 **Secs. 8-262—8-285. Reserved.**

8 **ARTICLE XI: SALE OF ANIMALS**

9 **Sec. 8-286. Commerce in live animals.**

10 It shall be unlawful for any person to sell, trade, barter, lease, rent, give away or display for  
11 commercial purposes a live animal on a roadside, public right of way, sidewalk, street, parkway or  
12 any other public property or any property dedicated to public use, a commercial parking lot, or at  
13 an outdoor special sale, swap meet, flea market, parking lot sale or similar event. This article  
14 does not apply to a sale held on privately owned property with the written permission of the owner  
15 of the property or a parking lot where the seller has the parking lot owner's written permission.

16 **Sec. 8-287. Condition of sale.**

17 It shall be unlawful for any person to sell, trade, barter, lease, rent, give away or display for  
18 commercial purposes any animal ~~that is kept in a cage or pen of any type~~ unless the following  
19 conditions are met:

20 (1) All animals sold or transferred shall be a minimum of eight weeks of age, unless sold  
21 with the mother.

22 (2) Each animal transferred shall be born and raised until at least eight weeks of age in  
23 Williamson county or any contiguous county or Travis Counties at a facility operating and  
24 licensed pursuant to all applicable Federal, State, and local laws and regulations.

25 (43) If the animal is kept in a cage or pen, ~~the~~ the cage or pen must be large enough for the  
26 animal to stand on all of its legs and hold its head in a natural position and not be in a  
27 crouched position. The cage or pen must also have enough room for the animal to turn  
28 around or move naturally without stepping on another animal, animal feces, or food or  
29 water provided for the animal.

30 (24) The cage or pen must have water and food contained therein or have water and food  
31 situated so that the animal has access to it through the cage or pen.

32 (35) The cage or pen must be situated so that air may circulate through it, so that any  
33 animal kept therein is not exposed to extreme heat. During cold or inclement weather,  
34 cages or pens shall be situated so that animals contained therein shall stay warm and  
35 dry.

36 (6) The flooring of the cage or pen must be made of a solid, non-permeable material.

37 **Sec. 8-288. Sale of dyed animals.**

1 It shall be unlawful for any person to sell, offer for sale, raffle, offer or give as a prize, premium or  
2 advertising device, give away or display any animal that has been dyed or otherwise artificially  
3 colored.

4 **Secs. 8-289—8-309. Reserved.**

## 5 **ARTICLE XII. IMPOUNDMENT**

### 6 **Sec. 8-310. Property owners may impound.**

7 Any person finding an animal at large upon his property may remove the same to any animal  
8 shelter that will take possession of the animal. If no such shelter is available, the property owner  
9 may hold the animal in his own possession and, as soon as possible, notify animal control. The  
10 property owner shall provide a description of the animal and the name of the owner, if known.  
11 Animal control shall dispatch an animal control officer to take possession of the animal.

### 12 **Sec. 8-311. Reasons for impoundment.**

13 In addition to any other remedies provided in this article, an animal control officer or a police  
14 officer may seize, impound, and humanely confine to ~~an the a~~Animal ~~sShelter or hospital~~ any of  
15 the following animals:

16 (1) Any dog or cat without a valid ~~license tag~~ microchip;

17 (2) Any animal at large;

18 (3) Any animal constituting a public nuisance or considered a danger to the public;

19 (4) Any animal that is in violation of any quarantine or confinement order of the ~~city's chief~~  
20 ~~health officer~~ local rabies control authority;

21 (5) Any unattended animal that is ill, injured, or otherwise in need of care;

22 (6) Any animal that is reasonably believed to have been abused or neglected;

23 (7) Any animal that is reasonably suspected of having rabies;

24 (8) Any animal that is charged with being potentially dangerous, or dangerous where an  
25 animal control officer determines that there is a threat to public health and safety;

26 (9) Any animal that a court of competent jurisdiction has ordered impounded or  
27 destroyed;

28 (10) Any animal that is considered unattended or abandoned, as in situations where the  
29 owner is deceased, has been arrested or evicted from his regular place of residence;

30 (11) Any exotic or wild animal that is kept illegally;

31 (12) Any animal that is in violation of this article or whose owner is in violation of this  
32 article.

1 **Sec. 8-312. Issuance of notice or citation.**

2 In addition to, or in lieu of, impounding an animal found at large, an animal control officer or a  
3 police officer may issue to the known owner of such animal a citation for a violation of this article.

4 **Sec. 8-313. ~~Length of impoundment~~Williamson County Regional Animal Shelter**

5  
6 The Animal Shelter board of directors shall have the authority to adopt reasonable rules and  
7 regulations regarding the operation of the shelter, including but not limited to the following:  
8

- 9 (1) the length of impoundment of animals  
10 (2) when impounded animals become the property of the Animal Shelter,  
11 (3) dealing with sick or injured animals,  
12 (4) procedures for reclaiming impounded animals,  
13 (5) impoundment fees  
14 (6) voluntary release by owner to the Animal Shelter, and  
15 (7) release in lieu of impoundment.

16 ~~Except as provided in articles IV and X of this chapter, the city~~animal shelter ~~shall keep licensed~~  
17 ~~microchipped dogs and cats impounded for not fewer than seven~~ five ~~business days and~~  
18 ~~unlicensed non-microchipped impounded animals for a minimum of 72 hours, before disposing of~~  
19 ~~said dog or cat without the consent of the owner.~~

20  
21 **Sec. 8-314. ~~Impounded animal becomes property of City~~Animal Shelter.**

22  
23 ~~Any animal impounded in the animal shelter for a period exceeding the times laid out in this~~  
24 ~~chapter shall become property of the city animal shelter and shall be placed for adoption or~~  
25 ~~humanely euthanized. The adoption fee for all animals is as currently established or as hereafter~~  
26 ~~adopted by resolution of the city council~~ animal shelter ~~from time to time. Any livestock kept over~~  
27 ~~72 hours may be sold or auctioned to cover the costs of impoundment and boarding.~~

28  
29 **Sec. 8-315. ~~Sick or injured animals.~~**

30  
31 ~~When an animal is not wearing a tag of any kind so that the rightful owner cannot be notified of~~  
32 ~~their animal's injuries, Any obviously sick or injured animals may be humanely euthanized~~  
33 ~~provided a reasonable attempt to contact the owner of the animal has been made.~~ alife  
34 threatening  
35

36 **Sec. 8-316. ~~Reclaiming animals and impoundment fees.~~**

37  
38 ~~An owner reclaiming an impounded animal shall pay all impounding fees, vaccination fees, and~~  
39 ~~boarding fees for animals before they shall be returned to the owner. The fee schedule applies~~  
40 ~~per animal impounded, as currently established or as hereafter adopted by resolution of the city~~  
41 ~~council~~ animal shelter ~~from time to time.~~

42  
43 **Sec. 8-317. ~~Authority to request and issue warrants.~~**

44  
45 ~~An animal control officer or peace officer may apply for and obtain a warrant or other legal writ~~  
46 ~~from the municipal judge or justice court to seize any animal alleged to be in violation of this~~  
47 ~~chapter. The municipal judge or justice of the peace shall have the authority to issue such~~  
48 ~~warrant.~~

49  
50 **Sec. 8-318. ~~Voluntary release.~~**

51 ~~(a) Animal control~~ The animal shelter ~~is authorized to take possession of any animal released by its owner~~  
52 ~~upon proof that the owner resides within the city, completion of an owner release form and payment of the~~  
53 ~~owner release fee. Regardless of the foregoing, animal control~~ the animal shelter ~~is not required to accept~~  
54 ~~an owner released animal if suitable shelter is not available based on:~~

- 55 (1) ~~Current occupancy;~~

~~(2) The type of animal; or~~

~~(3) The condition of the animal, or a reasonable determination being made by the animal control shelter supervisor that accepting the animal is not in the best interest of the city shelter.~~

~~(b) Upon acceptance of an animal under this section, the animal immediately becomes the property of the city animal shelter. If an owner desires to reclaim a previously released animal and the animal is still in the possession of animal control the shelter and is not in the process of being adopted, the animal control shelter supervisor shall return the animal to the owner unless the animal control shelter supervisor determines that the return of the animal would pose a danger to the health of the animal or to public safety. The impoundment fees, boarding fees and medical costs incurred as provided by section 8-316 must be paid prior to the return of the animal. The owner release fee shall be as currently established or as hereafter adopted by resolution of the city council animal shelter from time to time.~~

#### **Sec. 8-319. Release in lieu of impoundment.**

~~In lieu of impounding an animal for any reason authorized by this article or other law, animal control the Animal shelter is authorized to take possession of any animal released by its owner upon completion of an owner release form and payment of the owner release fee. Upon acceptance of an animal under this section, the animal immediately becomes the property of the city animal shelter. No animal released under this section will be returned to the owner or a member of the owner's family or household. No animal released under this section may be given to any person if the animal control shelter supervisor determines that such release would pose a danger to the health of the animal or to public safety. The owner release fee shall be as currently established or as hereafter adopted by resolution of the city council animal shelter from time to time.~~

#### **Secs. 8-~~320~~313—8-341. Reserved.**

### **ARTICLE XIII. ENFORCEMENT**

#### **Sec. 8-342. Establishment.**

The chief of police shall appoint an animal control officer and such assistants as may be required to enforce this chapter.

#### **Sec. 8-343: Supervisor.**

The supervisor of animal control is hereby designated as the local health authority for the purposes of V.T.C.A., Health and Safety Code ch. 826 (Rabies Control Act of 1981) and shall be responsible for performing duties and responsibilities provided herein.

#### **Sec. 8-344. Enforcement duties.**

(a) \_\_\_\_\_ Animal control officers or other designees of the chief of police shall be the enforcement officials for this chapter as well as all other applicable animal related ordinances contained within the city code and state laws. These officials, along with police officers, shall have the authority to act on behalf of the city and animal control in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions of this chapter and other animal related ordinances within the city code including the rules established in section 26-26.

(b) \_\_\_\_\_ An animal control officer or peace officer may apply for and obtain a warrant or other legal writ from the municipal judge or justice court to seize any animal alleged to be in violation of this chapter. The municipal judge or justice of the peace shall have the authority to issue such warrant.

1     **Sec. 8-345. Interference with animal control officer.**

2  
3             It shall be unlawful for any person to interfere with any animal control officer or other enforcement  
4             official in the performance of his duties.

5  
6     **Sec. 8-346. Self defense.**

7  
8             Upon attack by an animal, an animal control officer can defend himself or a complainant, at his  
9             discretion, taking such means as he deems necessary in that situation.

10  
11    **Sec. 8-347. Private property.**

12  
13             For purposes of discharging the duties imposed by this chapter, and to enforce the same, an  
14             animal control officer or other authorized representative may enter upon private property to the  
15             full extent permitted by law, which shall include but not be limited to entry upon private property  
16             when in pursuit of any animal which he or she has reason to believe is subject to impoundment  
17             pursuant to the provisions of this chapter or other applicable laws. An animal control officer shall  
18             have the right to pursue and apprehend an animal which is at large or a free roaming cat onto  
19             private property without first requesting permission from the owner of the property before entering  
20             the property or without obtaining a search warrant.

21  
22    **Sec. 8-348. Entry and inspection.**

23             (a) Whenever it is necessary to make an inspection to enforce any of the provisions of or to  
24             perform any duty imposed by this chapter or other applicable law regarding animals, or whenever  
25             an animal control officer has reasonable cause to believe that there exists in any building,  
26             structure or upon any premises any violations of this chapter or other applicable law, the officer is  
27             hereby authorized to enter such property at any reasonable time and to inspect the same and to  
28             perform any duty imposed upon the officer by this chapter or other applicable law, provided that if  
29             such property is occupied, the officer shall first present proper credentials to the occupant and  
30             request to enter, explaining the reason therefor and obtaining permission from said occupant.

31             (b) Notwithstanding the foregoing, if the officer has reasonable cause to believe that the keeping  
32             or the maintaining of any animal is so hazardous, unsafe or dangerous as to require immediate  
33             inspection to safeguard the animal or the public health or safety, the officer shall have the right to  
34             immediately enter and make such inspection, whether or not permission to inspect has been  
35             obtained. If the property is occupied, the officer shall first present proper credentials to the  
36             occupant and demand entry, explaining the reasons therefor and the purpose of inspection.

37             (c) Whenever an animal control officer is denied admission to inspect any premises under this  
38             chapter and the officer cannot determine whether violations exist on the premises, the animal  
39             control officer is authorized to request a warrant for the inspection of the premises from the  
40             municipal judge, a magistrate, or justice court to enter and inspect the premises.

41    **Sec. 8-349. Violations.**

42             It shall be a violation of the chapter to:

43                     (1) Fail to comply with any provision of this chapter;

44                     (2) Fail to comply with any lawful order of animal control, an animal control officer, or  
45                     police officer unless such order is lawfully stayed or reversed.

46    **ARTICLE XIV. BEEKEEPING**

1 **Sec. 8-351. Apiary maintenance.**

2  
3 (a) A person shall keep a bee colony in a Langstroth-type hive with removable frames that is  
4 maintained in sound and usable condition.

5  
6 (b) A person shall provide a source of water to a bee colony to prevent the bees from  
7 congregating at a water source used by a human, bird, or domestic pet.

8  
9 (c) A person shall store or dispose of bee comb or other material removed from a hive in a sealed  
10 container, building, or other bee-proof enclosure.

11  
12 **Sec. 8-352. Hive location.**

13  
14 (a) A person may not locate a hive within 10 feet of the property line of a tract, as measured from  
15 the nearest point of the hive to the property line.

16  
17 (b) A person who keeps a bee colony within 25 feet of the property line of a tract, as measured  
18 from the nearest point of a hive to the property line, shall establish and maintain a flyway barrier  
19 parallel to the property line.

20  
21 **Sec. 8-353. Control of aggressive bee colony.**

22  
23 (a) A person shall immediately replace the queen in a bee colony that exhibits aggressive  
24 characteristics, including stinging or attempting to sting without provocation, or a disposition  
25 towards swarming. A person required to replace a queen under this subsection shall select the  
26 replacement from bee stock bred for gentleness and non-swarming characteristics.

27  
28 (b) As required for swarm management, a person may maintain a nucleus bee colony for each  
29 two bee colonies allowed under this chapter. A person may house a nucleus bee colony in a  
30 structure not exceeding a standard 9 5/8 -inch depth ten-frame hive body with no supers  
31 attached. A person shall dispose of or combine a nucleus bee colony with an authorized bee  
32 colony not later than the 30th day after the date the nucleus bee colony is acquired.

33  
34 **Sec. 8-354: Bee colony density.**

35  
36 A person may not keep more than:

37  
38 (1) Two bee colonies on a tract one-quarter acre or smaller;

39  
40 (2) Four bee colonies on a tract larger than one-quarter acre but smaller than one-half  
41 acre;

42  
43 (3) Six bee colonies on a tract one-half acre or more but smaller than one acre;

44  
45 (4) Eight bee colonies on a tract one acre or more.

46  
47 (5) A person may keep an unlimited number of bee colonies on a tract in which all hives  
48 are located at least 200 feet from each property line of the tract; or adjacent to  
49 undeveloped vacant property for at least 200 feet from any hive. Vacant property means  
50 property that is not improved for human use or occupancy, including property used as a  
51 street or highway.

52  
53 **Sec. 8-355. Hive identification.**

54  
55 (a) Except as provided in Subsection (b), a person shall post a conspicuous sign displaying the  
56 apiary owner's name and telephone number at the entrance to the apiary tract.



1 (b) A person is not required to place owner identification on or near a bee colony located on a  
2 tract on which the owner resides.

3  
4 **Sec. 8-356: Enforcement.**

5  
6 An owner found to be in violation of any provision contained herein Article XIV shall have their  
7 bees declared a public nuisance and will be subject to all penalties under Section 8-3.

8  
9 **ARTICLE XV. FERAL CATS**

10  
11 **Sec.-8-361. Establishment of a feral cat colony.**

12  
13 (a) A feral cat colony may be established within the city limits of Round Rock provided that the  
14 citizen wishing to establish the feral cat colony agrees to become the feral cat colony caretaker  
15 and obtains written permission from the animal control supervisor to be renewed on a yearly  
16 basis.

17  
18 (b) Feral cat colonies within the city limits of Round Rock must meet the following requirements:

19  
20 (1) No feral cat colony shall be established on public or private property without first  
21 obtaining written permission from the property owner; and

22  
23 (2) No feral cats shall be brought into a feral cat colony from outside the city limits of  
24 Round Rock.

25  
26 **Sec. 8-362. Requirements for feral cats.**

27  
28 The feral cat colony caretaker shall be responsible to ensure that every cat within the feral cat  
29 colony has met each of the following requirements:

30  
31 (1) Sterilization by a licensed veterinarian resulting in a tipped ear for recognition  
32 purposes; and

33  
34 (2) Vaccination against communicable diseases, particularly rabies, in accordance with  
35 best practices for feral cats by a licensed veterinarian.

36  
37 **Sec.-8-363. Record keeping.**

38  
39 (a) The feral cat colony caretaker must maintain accurate records of the feral cat colonies in their  
40 trap, neuter, and return program. The records must include:

41  
42 (1) The location and size of each feral cat colony; and

43  
44 (2) The date and veterinary clinic location for each feral cat's spay/neuter; and

45  
46 (3) The date of vaccination against the rabies virus in accordance with Section 8-164.

47  
48 (b) The animal control unit may request copies of these records at any time. Failure to provide  
49 such records may result in the revocation of the permit to operate a feral cat colony by the animal  
50 control supervisor under Section 8-361.

51  
52 **Sec.-8-364. Enforcement.**

53  
54 (a) Any feral cat impounded by animal control shall be identified by its left ear tip and immediately  
55 released to the appropriate feral cat colony unless one of the following exceptions is made:



(1) A feral cat has been impounded multiple times on the same property, and the property owner wishes to have the feral cat declared a public nuisance under Section 8-3. If a feral cat is declared a public nuisance, the feral cat colony caretaker shall be given seven (7) days to relocate the cat outside of the city limits of Round Rock.

(2) A feral cat that has been determined by an animal control to require immediate veterinary care shall be impounded and taken to the Williamson County Regional Animal Shelter or a licensed veterinarian for any necessary treatment. If the feral cat is to be reclaimed, the feral cat colony caretaker shall be responsible for paying all accrued medical expenses prior to the release of the cat back into their custody.

(3) A feral cat has bitten any human that requires the animal to be immediately quarantined for rabies observation in accordance with Chapter 826, Subchapter E of the Texas Health & Safety Code. If the feral cat is to be reclaimed, the feral cat colony caretaker shall be responsible for paying all accrued quarantine expenses prior to the release of the cat back into their custody.

(b) Any feral cat impounded at the animal shelter under Article XV may be immediately returned by any citizen to the location where it was initially trapped provided:

(1) The feral cat has met all requirements outlined by Section 8-362; and

(2) The feral cat has not been declared a public nuisance under Section 8-3.

(c) The city reserves the right to immediately seize and remove any and all feral cats from a feral cat colony if:

(1) A feral cat colony violates any section contained herein Article XV; or

(2) The feral cat colony poses a risk to public health or safety due to a suspected exposure to the rabies virus or any other zoonotic or epizootic diseases; or

(3) Any feral cat is declared a public nuisance under Section 8-3, and the colony caretaker fails to remove the feral cat from the city limits of Round Rock within the seven (7) day enforcement period; or

(4) Any other reason not listed in Section 8-364 if the animal control supervisor determines continuation of the feral cat's residency is not in the best interest of the city.

### **III.**

That Appendix A – Fees, Rates, and Charges, Chapter 8, Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

#### **APPENDIX A – FEES, RATES, AND CHARGES CHAPTER 8 – ANIMALS ARTICLE IV - CARING FOR ANIMALS**

<a href="#">8-166</a>	<del>License-Microchip</del> fee	\$5.00 per sterilized animal \$10.00 per non-sterilized animal
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<u>8-173</u>	Re-issuance <del>license-microchip</del> fee for <del>lost/malfunctioning</del> /destroyed <del>tags-microchips</del>	\$5.00 per sterilized animal \$10.00 per non-sterilized animal
<u>8-314</u>	<del>Adoption fee for impounded animals</del>	<del>\$75.00 per animal</del>
<u>8-316</u>	<del>Reclaiming and impoundment fees:</del>	
	<del>Impoundment fee – first offense</del>	<del>\$20.00</del>
	<del>Impoundment fee – second and subsequent offenses</del>	<del>\$25.00</del>
	<del>Boarding fee, per each 24-hour period or portion thereof</del>	<del>\$10.00</del>
	<del>Rabies quarantine boarding fee, per each 24-hour period or portion thereof</del>	<del>\$15.00</del>
	Medical costs	Actual costs incurred
<u>8-318(b)</u>	<del>Owner voluntary release fee</del>	<del>\$50.00 per unweaned litter \$30.00 per weaned animal</del>
<u>8-319</u>	<del>Owner release in lieu of impoundment fee</del>	<del>\$50.00 per unweaned litter \$30.00 per weaned animal</del>

## II.

**A.** All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

**B.** The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

**C.** The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**READ** and **APPROVED** on first reading this the \_\_\_\_ day of \_\_\_\_\_, 2018.

**READ, APPROVED and ADOPTED** on second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CRAIG MORGAN, Mayor  
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk